

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

DESHAWN HOWARD

**NO. 2:16-cr-245
JUDGE MARBLEY**

GOVERNMENT'S SENTENCING MEMORANDUM

Now comes the United States, by and through David M. DeVillers, Assistant United States Attorney for the Southern District of Ohio, and requests that the Court sentence the defendant within the applicable sentencing guidelines range as agreed to by the parties.

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/David M. DeVillers

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MEMORANDUM IN SUPPORT

In *United States v. Williams*, 436 F.3d 706, 708 (6th Cir. 2006), the Sixth Circuit stated: "We now join several sister circuits in crediting sentences properly calculated under the Guidelines with a rebuttable presumption of reasonableness." Therefore, the United States submits that a sentence within the advisory guideline range would be reasonable, after consideration of the 18 U.S.C. §3553(a) factors, under the rationale of *United States v. Booker*, 543 U.S. 220 (2005); *United States v. Cage*, 458 F.3d 537, 541 (6th Cir.2006); *United States v. Williams*, 436 F.3d 706 (6th Cir. 2006).

While the United States submits that the PSR has properly calculated the Total Offense Level of (84-105 months), the government negotiated a plea agreement with the defendant agreeing to a guideline range of (27-41 months). Based on this agreed guideline range and in consideration of the 18 U.S.C. §3553(a) factors the United States would recommend a sentence of 41 months incarceration.

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/David M. DeVillers
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum was served this 5th day of September, 2017 electronically on Ms. Rasheeda Khan, attorney for Defendant Howard.

s/David M. DeVillers

DAVID M. DEVILLERS (0059456)
Assistant United States Attorney